

## CHARLES MICHELL

JULY 1 (legislative day, JUNE 27), 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany S. 2212]

The Committee on the Judiciary, to which was referred the bill (S. 2212) for the relief of Charles Michell, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the commission of a crime involving moral turpitude in behalf of the husband of a United States citizen.

#### STATEMENT OF FACTS

The beneficiary of the bill is a 44-year-old native and citizen of Canada who is married to a native-born United States citizen. They have three children, two of whom were born in Canada and one of whom was born in the United States. The oldest child is now with our Armed Forces in Japan. In 1929 the beneficiary of the bill was convicted in Canada of robbery and sentenced to imprisonment for a term of 3 to 24 months. Without the waiver provided for in the bill he will be unable to join his wife and children in this country.

A letter, with attached memorandum, dated June 9, 1952, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to the case reads as follows:

JUNE 9, 1952.

HON. PAT McCARRAN,  
*Chairman, Committee on the Judiciary,*  
*United States Senate, Washington, D. C.*

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 2212) for the relief of Charles Michell,

an alien. The bill would enable the alien to enter the United States notwithstanding the provisions of the eleventh category of section 3 of the Immigration Act of 1917, as amended.

A memorandum prepared by the Immigration and Naturalization Service setting forth facts in the case is attached.

In the absence of special legislation, Mr. Michell will be unable to join his family in the United States. Whether under the circumstances the bill should be enacted, thereby exempting him from the excluding provisions of the immigration laws, involves a question of legislative policy concerning which this Department desires not to make any recommendation.

Sincerely,

A. DEVITT VANECH,  
*Deputy Attorney General.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION  
SERVICE FILES RE CHARLES MICHELL, BENEFICIARY OF S. 2212

Mr. Charles Joseph Michell is a native and citizen of Canada, who was born on February 1, 1908. He is presently residing in Vancouver, Canada. He gained admission to the United States on or about August 15, 1930, at Blaine, Wash., by falsely claiming to be a United States citizen. He was apprehended in deportation proceedings and on April 18, 1932, was deported to Canada. An application for permission to reapply for admission to the United States after deportation was denied on November 7, 1938, on the ground the alien was inadmissible because of his criminal record.

The alien testified at the deportation hearing that in October or November 1929, he was arrested in Toronto, Canada, and that he pleaded guilty to the crime of "robbing without violence," as a result of which he was sentenced to imprisonment for a term of 3 to 24 months. He was married on July 17, 1931, in Santa Ana, Calif., to a native-born citizen of the United States. Two children were born in Canada of this marriage. The oldest child is now stationed in Japan with the United States Armed Forces. The alien's wife resided with him in Canada from 1932 until 1945 when she was compelled to return to the United States because of ill health. The youngest son, who is a citizen of the United States, is residing with his mother at 308 McNeil Street, San Fernando, Calif. Mr. Michell's wife and sons are desirous of having him join them in the United States.

Mr. Michell is inadmissible to the United States because of his admission of the commission of a crime involving moral turpitude, to wit: robbery in Canada during 1929.

Senator Richard Nixon, the author of the bill, has submitted the following information in connection with the case:

UNITED STATES SENATE,  
COMMITTEE ON LABOR AND PUBLIC WELFARE,  
*December 4, 1951.*

HON. PAT McCARRAN,  
*Chairman, Committee on the Judiciary,  
United States Senate, Washington, D. C.*

DEAR SENATOR McCARRAN: I am writing you to supply the information you requested with regard to the bill S. 2212, which I have introduced for the relief of Charles Michell.

Mr. Michell is at present residing in Vancouver, British Columbia. In 1928 Mr. Michell was arrested in Toronto, Canada, and had to serve 2 months at the jail farm for what was termed a misdemeanor. Later that same year he worked his way west at harvesttime and settled in Los Angeles where he married an American citizen a couple of years later. In 1931 he was picked up for illegal entry and deported to British Columbia where he has lived ever since.

Mr. Michell is at present a salesman for a retail furniture company in Vancouver and is not, nor has he every been, engaged in any activities that would be injurious to the American public interest. He has lived in British Columbia for the past 20 years and has a fine record there. His wife has had to return to the United States as her health was never good in Canada. Their oldest boy is now with the California National Guard in Japan and they have another son who is here in California with his mother. This family is most anxious to be reunited

here in the United States and I would greatly appreciate any consideration you can give this matter.

If there is any further information you would like to have on this case I will be glad to furnish it.

With very best regards,

Sincerely,

RICHARD NIXON,

P. S.—Mr. Michell has a brother who is a priest, Father William A. Michell, at the Church of St. Paul the Apostle in Los Angeles, another brother who is a doctor in Hackettstown, N. J.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2212) should be enacted.



there in the future. I am not a lawyer and I could not give any advice as to what you should do. I am sure that you will be able to handle the situation as it arises. I would like to see you on this case. I will be glad to help you in any way I can.

Richard Nixon  
 P. S. — Mr. Mitchell, I am not a lawyer and I could not give any advice as to what you should do. I am sure that you will be able to handle the situation as it arises. I would like to see you on this case. I will be glad to help you in any way I can.